

United States District Court  
For the Southern District of Ohio

Eastern Division

FILED  
RICHARD W. NAGEL  
CLERK OF COURT

2015 FEB 10 AM 10:18

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

TERRY TYRONE POLLON Jr.

Plaintiff

vs.

Civil Action Case No. 2:14-cv-104

Judge Edmond A. Sarvis Jr.

Magistrate Judge Elizabeth P. Deavers

to LISA HOWARD "et al"

Defendant's,

Amended Complaint

Jurisdiction and Venue

① This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of the rights secured by the Constitution of the United States. The Court has jurisdiction under 28 U.S.C. Section 1331 and 1331 (A) (3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff's claim's for injunctive relief are authorized by 28 U.S.C. Section 2283; 2284 and Rule 65 of the Federal Rules of Civil Procedure.

The Southern District of Ohio Eastern Division is an appropriate venue under 28 U.S.C. section 1391 (b) (2) because it is where the events giving rise to this claim occurred.

## Plaintiff

③ Plaintiff Terry Tyrone Pullen Jr., is and was at all times mentioned herein a prisoner of the State of Ohio in the custody of the Ohio Department of Rehabilitation and Correction. He is currently confined in Southern Ohio Correctional Facility phone # (740) 259-5544

## Defendant's

④ Defendant: Gary C. Mohr is the Director of the State of Ohio Department of Rehabilitation and Correction. He is legally responsible for the overall operation of Correctional Reception Center and each institution under his Department jurisdiction including CRC.

⑤ Defendant: Rhonda Richard is or was the Warden of Correction Reception Center. She is legally responsible for the operation of Correctional Reception Center and for the welfare of the inmates in that prison.

⑥ Defendant: Lisa Howard is a Correctional Officer of the Ohio Department of Rehabilitation and Correction who, at all times mentioned in this complaint held rank of "Correctional Officer" and was assigned to CRC.

⑦ Defendant: Andrew Fultz is a Correctional Officer of the Ohio Department of Rehabilitation and Correction who, at all times

mentioned in this complaint held rank of "Correctional Officer" And was assigned to CRC.

⑧# Defendant: Clinton Hill is a Correctional Officer of the Ohio Department of Rehabilitation and Correction who, at all times mentioned in this complaint held rank of "Correctional Officer" And was assigned to CRC.

⑨# Defendant: Anthony Russell is a Correctional Officer of the Ohio Department of Rehabilitation who, at all times mentioned in this complaint held rank of "Correctional Officer" And was assigned to CRC.

⑩# Defendant: Nathan A. Harris is a Correctional Officer of the Ohio Department of Rehabilitation who, at all times mentioned in this complaint held rank of "Correctional Officer" And was assigned to CRC.

⑪# Defendant: David L. Hispress is a Correctional Officer of the Ohio Department of Rehabilitation who, at all times mentioned in this complaint held rank of "Correctional Officer" And was assigned to CRC.

⑫# Defendant: Gleeson is a Correctional Officer of the Ohio Department of Rehabilitation who, at all times mentioned in this complaint held rank of "Correctional Officer" And was assigned to CRC.

⑬# Defendant: Newsome is a Correctional Officer of the Ohio Department of Rehabilitation who, at all times mentioned in this complaint held rank of "Correctional Officer" And was assigned to CRC.

- (14) Defendant: Crystal Murphy is a Correctional Officer of the Ohio Department of Rehabilitation and Correction who, at all times mentioned in this complaint held rank of Lieutenant and was assigned at CRC.
- (15) Defendant: Church is a Correctional Officer of the Ohio Department of Rehabilitation and Correction who, at all times mentioned in this complaint held the rank of Lieutenant and was assigned at CRC.
- (16) Defendant: R. Murphy is a Correctional Officer of the Ohio Department of Rehabilitation and Correction who, at all times mentioned in this complaint held the rank of "Correctional Officer" and was assigned at CRC.
- (17) Defendant: C. Debley is a Correctional Officer of the Ohio Department of Rehabilitation and Correction who, at all times mentioned in this complaint held the rank of "Correctional Officer" and was assigned at CRC.
- (18) Defendant: Costellino is a Mental Health Liaison of the Ohio Department of Rehabilitation and Correction who, at all times mentioned in this complaint held the job position of "Mental Health Liaison" and was assigned at CRC.
- (19) Each defendant is sued individually and in "his/her" official capacity, at all times mentioned in this complaint each defendant acted under the color of State law.

Facts

- (20) On 7/9/13 between the time of 7:00 am and 8:00 pm while headed to my cell #104 after returning from Plea Bay along with other inmates

And to Howard when C/o Howard called me to come back into the Salleyport in B-1, so i followed her orders.

- (21) As i approached C/o Howard she asked me, "What was i doing"? then stepped aside for me to enter into the salleyport.
- (22) As soon as i cleared the doorway C/o Howard hooked her left arm into my left arm, kicked the door shut then started screaming while hitting her mandown button!
- (23) At that time i asked C/o Howard, "are you forrest"? then turned to my right side so that i was facing the center window inside the salleyport looking into B-1 from inside of the salleyport so the cement that's mounted above cell # 1018 and between the top range which is above cell # 1018 facing the salleyport, could view me along with C/o Howard.
- (24) I was in plain view of the inmate's housed in the bed area as C/o Fultz who was seated at the C/o's desk speaking with a inmate when he turned in his chair at the sound of the signal 3 or C/o Howard voice.
- (25) At that time i was going down to one knee due to C/o Howard kicking me in the back of my left knee while still holding on to my left arm while trying to pull me away from the window.
- (26) C/o Fultz then jumped of his chair ran to the salleyport as he was coming through the doorway i was getting to the floor at that

Sometime C/o Howard threw herself into the opposite satleyport window inside facing the yard in front of B-1 outside.

(27) While i was on the floor C/o Fultz started punching me in the rightside of my face so i curled up into the fetos position leaving only the rightside of my face exposed to him so he started kicking me.

(28) Then the door to the satleyport opened from inside of B-1 at that time C/o K. Hill enter the satleyport and begin kicking and punching me along with C/o Fultz.

(29) Then the door leading into B-1 satleyport from outside opened at that time C/o ~~Newsome~~<sup>Harris</sup>, C/o Rispress and C/o Russell enter into B-1 satleyport and started kicking and pinching me as C/o Russell twisted my ankles and bend my leg's in attempt to break them while someone held me down by pressing down on my back.

(30) This went on for 5 mins or longer then i heard C/o Howard tell them, "Stop guys they are coming"!..

(31) At that time i was placed in handcuffs and ankleshackles by C/o's then stood up.

(32) While C/o Hill and C/o ~~Newsome~~<sup>Harris</sup> held me to the wall, C/o Rispress punched me four times in the face telling me to go to sleep! After the fourth punch i was led outside by C/o Newsome and C/o Rispress while the whole time Lieutenant Murphy watched.

(33) While i was being escorted to Seg. by C/o Newsome, C/o Gleason and C/o Harris these officer's started bending my hands towards the inside of my wrists to the point my finger tips were touching the inside of my upper wrist while they tighten the handcuffs as far as they could cutting into my wrist, while C/o Gleason bend my thumbs in the opposite direction in ways that caused so much pain i fell to my knee's inbetween B-2 and B-3.

(34) At that time C/o Harris and C/o Newsome along with C/o Hispress lifted me up to my feet telling me how their going to cause me even more pain once they get me to Segregation C-1 Segregation.

(35) Once i got into Segregation C-1 through the Salleyport the C/o's that escorted me to Segregation (C/o Harris, C/o Newsome and C/o Gleason) in the presence of Lieutenant Church slammed me into the wall face first then C/o R. Murphy and C/o C. Achley took over my escort onto the SIC range in C-1 Segregation.

(36) Once C/o C. Achley and C/o R. Murphy escorted me through the SIC range door both officer's in the presence of Lieutenant Church slammed me face first into the floor and started punching and kicking me telling me they'll "Kill me in here"!

(37) Then Lieutenant Church told them that was enough place him in the Strip Cage.

(38) After i was in the strip cage, maybe 15 min's later the nurse came to ask me some question. She looked at my hands and wrist

wrist which my wrist were cut and bleeding due to the C/O's that escorted me to C-1 Segregation from B-1 fighting the handcuffs as tight as they would go while bending my wrist to add more pressure. R.N S. Marietta said all i needed was a bandaid!

(34) Then LT Murphy come to take pictures of my injuries to my face and wrist.

(40) Later that night i was transported to Pickaway Correctional Institution "P.C.I" no picture's were taken of me there, but the Nurse did ask me the regular intake question.

(41) While at P.C.I i was unable to eat for three days to my jaw being to sore and swollen.

(42) My ~~first~~<sup>second</sup> day the staff from CRC came to P.C.I for my R.I.B hearing which they found me guilty of rule's 3,12 & 14 and 20 i asked about the D.V.R videotape i was told "They don't use videotapes in R.I.B". I was giving an appeal form and told it will do me no good!

(43) Then two days later i was transferred to Southern Ohio Correctional Facility where i later learned that i was raised to the highest level on the Mental Health case load which is a "C-1" Mental Health patient by ~~Mental Health~~ <sup>Counselor</sup> Mr. Costello.

#### Exhaustion OF Legal Remedies

(44) Plaintiff Terry Tyrone Pullen Jr used the prisoner grievance procedure's available at Southern Ohio Correctional Facility and mailed V.I.A

U.S. Mail these forms which make up the grievance procedure to Corrections Reception Center in attempt to solve the problem

(45)<sup>#</sup> On 7/23/13 i mailed U.I.A U.S. Mail a Informal Complaint Resolution concerning Excessive force used on me by Correctional officer's at CRC to the Inst. Investigator, Inst. Inspector and Warden Richard ~~who~~ <sup>who</sup> response was Use OF Force will be done and the investigation was definitive.

(46)<sup>#</sup> On 9/17/13 i filed an Notification of Grievance with the Inst. Inspector at CRC U.I.A U.S. Mail my grievance was denied by Inst. Inspector at CRC.

(47)<sup>#</sup> On 10/16/13 i filed a appeal to the Chief Inspector of "CDRC" U.I.A U.S. Mail i received my appeal back with no response which was write on regular ~~pp~~ writing paper.

(48)<sup>#</sup> Then the Inst. Inspector here at SOCF sent me an appeal form so on the 2nd of November 2013 i mailed U.I.A U.S. Mail another appeal to Chief Inspector of "ODRC" along with the Inst. Inspector of CRC disposition, my copy of ~~the~~ the N.O.G form CRC-09-13-59 and a copy of my I.C.R form. I never received an response or got any of the documents back from the Chief Inspector office.

(49)<sup>#</sup> I'm sending the I.C.R form, Appeal ~~form~~ i mailed out on 10/16/13 also the appeal form i mailed out 11/2/13 as well as the Radiology Result Report Exam Date 7/16/13 , D.V.R Camera view's are being held by Assistant Prosecuting Attorney of Pickaway County Ms. Jayme Hartley Funtain (0081415)

The forms are attached at Exhibit A,B,C and D.

### Legal Claims

- (50) Plaintiff re-allege and incorporate by reference paragraphs 1-42.
- (51) Defendant C/o Lisa Howard used excessive force against Plaintiff Terry Tyrone Pullen Jr., by hooking her arm into his, kicking him in the left knee when Pullen Jr. was not violating any prison rule's, and was not acting disruptively. Defendant Lisa Howard's actions violated Plaintiff Terry Tyrone Pullen Jr. rights under the Eighth Amendment to the U.S Constitution, and caused Plaintiff Pullen Jr. pain, ~~suffering~~, physical injury and emotional distress.
- (52) Defendant C/o Andrew Fultz used excessive force against Plaintiff Pullen Jr. by punching and kicking him while he was already in submission on the floor on hands and knees violating no prison rule's, and was not acting disruptively. Defendant Fultz action's violated Plaintiff Pullen rights under the ~~Eighth~~ Amendment to the U.S Constitution, and caused Plaintiff Pullen pain, ~~suffering~~, physical injury and emotional distress.
- (53) Defendant Clinton Hill used excessive force against Plaintiff Terry Tyrone Pullen Jr. by kicking and punching him while he was not violating any prison rule, and was not acting disruptively. Defendant Clinton Hill actions violated Plaintiff Pullen rights under the Eighth Amendment to the U.S. Constitution, and caused Plaintiff Pullen pain, ~~suffering~~, physical injury and emotional distress.

(52) Defendant Anthony Russell used excessive force against Plaintiff Terry Tyrone Pullen Jr. by twisting and bending his legs and ankles in an attempt to break them when he was not violating any prison rule, and was not acting disruptively. Defendant Anthony Russell actions violated Plaintiff Pullen Jr. rights under the Eighth Amendment to the U.S. Constitution, and caused Plaintiff Pullen pain, suffering, physical injury and emotional distress.

(53) Defendant David L. Risspress used excessive force against Plaintiff Terry Tyrone Pullen Jr. by punching him in the face 4 times while held against the Fire Exit door by other C/O's. When Pullen Jr. was not violating any prison rule, and was not acting disruptively, Defendant David L. Risspress actions violated Plaintiff rights under the Eighth Amendment to the U.S. Constitution, and caused Plaintiff Pullen Jr. pain, suffering, physical injury and emotional distress.

(54) Defendant Nathan A. Harris used excessive force against Plaintiff Terry Tyrone Pullen Jr. by kicking and punching him in B-1 Solleyport then twisting his wrist and tightening the handcuff on his left wrist to the point they cut into his wrist while bending hands which caused unimaginable pain and slamming his head into the wall face first in Seg. When Pullen Jr. was not violating any prison rules or acting disruptively, Defendant C/O Nathan A. Harris actions violated Plaintiff Terry Tyrone Pullen Jr. rights under the Eighth Amendment to the U.S. Constitution and caused Pullen Jr. pain, suffering, physical injury and emotional distress.

(55) Defendant Newsome used excessive force against Plaintiff Terry Tyrone Pullen Jr. by twisting his right wrist and tightening the handcuff to the

point they cut into his wrist, bending his hands which caused unimaginable pain. Slamming his head into the wall free first in Seg. face hitting and punching him on the S/C range when Pullen was not Violating Any prison rules or acting disruptively, Defendant Newsome actions violated Plaintiff Pullen Jr. rights under the Eight Amendment to the U.S. Constitution and caused Pullen Jr. pain, suffering, physical injury and emotional distress.

(56)<sup>#</sup> Defendant C.Glessner used excessive force by twisting thumbs in direction that caused unimaginable pain and kicking and punching him while on the S/C range when Plaintiff was not violating Any prison rules or acting disruptively, Defendant Glessner actions violated Plaintiff rights under the Eight Amendment to the U.S. Constitution and caused Pullen Jr. pain, suffering, physical injury and emotional distress.

(57)<sup>#</sup> Defendant C.Dubley used excessive force ~~against~~ <sup>against</sup> Plaintiff Terry Tyrone Pullen Jr. by ~~slamming him on the~~ floor on the S/C range in Seg. face. first then punching and kicking him when Pullen Jr. was not violating any prison rules or acting disruptively, Defendant C.Dubley actions violated Plaintiff Pullen rights under the Eight Amendment to the U.S. Constitution and caused Pullen Jr. pain, suffering, physical injury and emotional distress.

(58)<sup>#</sup> Defendant R.Murphy used excessive force against Plaintiff Terry Tyrone Pullen Jr. by ~~slamming him on the floor on the S/C range in Seg. free~~ first then punching and kicking him when Pullen Jr. was not violating any prison rules or acting disruptively, Defendant R.Murphy actions violated Plaintiff Pullen Jr. rights under the Eight Amendment to the U.S. Constitution

and caused Pullen Jr. pain, suffering, physical injury and emotional distress.

(59) Defendant Crystal Murphy by witnessing Defendants C/o Fultz C/o Hill, C/o Harris, C/o Hispress and C/o Russell illegal action, failing to correct that misconduct, and encouraging the continuation of the misconduct, Defendant Crystal Murphy also violated Plaintiff Pullen Jr. rights under the Eighth Amendment to the United States Constitution and causing Plaintiff Pullen Jr. pain, suffering and physical injury and emotional distress.

(60) Defendant Michael Church by witnessing Defendants C. Autley, R. Murphy, C/o Harris, C/o Newsome and C/o Gleason illegal action, failing to correct that misconduct, and encouraging the continuation of the misconduct, Defendant Michael Church is also violating Plaintiff Pullen's rights under the Eight Amendment to the U.S. Constitution and causing Plaintiff Pullen Jr. pain, suffering and physical injury and emotional distress.

(61) Defendant Costellino by making Plaintiff Terry Tyrone Pullen Jr. a C1 the highest level of a mental health patient in the "ODRE" system when Pullen Jr. has never showed the behavior that one is labeled as at C-1 display's to be considered as a C1 while in the "ODRE" system or was Pullen Jr. a C1 while at CRC once he arrived at CRC from Montgomery County Jail, Defendant Costellino is also violating Plaintiff Pullen Jr. Due Process Rights under the Fourteenth Amendment to the U.S. Constitution and causing Plaintiff Pullen Jr. pain, suffering, physical injury and emotional distress.

(62) #

Defendant Ronda Richard by failing to have cameras installed in B-1 Solleyport which would've deterred the named Defendants from violating Plaintiff Pullen Jr. rights with excessive force and failure to supervise or lack in training, having knowledge of Yo Harris being a violent officer towards prisoners, Defendant Warden Ronda Richard is also violating Plaintiff Pullen Jr. rights under the Eighth Amendment to the U.S. Constitution and caused Plaintiff Pullen Jr. pain, suffering physical injury and emotional distress.

(63) #

Defendant Gary C. Mohr Director of Ohio Department of Rehabilitation and Correction by failing to have cameras installed in all the blocks that house male inmates Solleyport's at the Solleyports leading into Housing Blocks such as A1 And R2 , A1 And A2 , A3 And D4 , B1 And B2 , B3 and B4 C1 and C2 , D1 which would've deterred the named Defendants from violating Plaintiff Pullen Jr. rights with excessive force, is also violating Plaintiff Pullen Jr. rights under the Eighth Amendment to the U.S. Constitution and causing Plaintiff Pullen Jr. pain, suffering, physical injury and emotional distress.

(64) #

Plaintiff Terry Tyrone Pullen Jr. has no plain, adequate or complete remedy at law to redress the wrong described herein, Plaintiff will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and injunctive relief which plaintiff seeks.

### Prayer For Relief

(65) #

Granting Plaintiff Pullen Jr. declaration that the sets and

Omissions described herein violate his rights under the Constitution and laws of the United States, and

(6) #

A preliminary and permanent injunction ordering Gary C. Mohr and "ODRC" to have cameras installed in every hallway part of CRC that house inmate's these hallway parts lead in and out of housing units, dining Hall, Gymnasium and school (church). ~~Plaintiff~~ Defendants / ODRC order SCF to transfer Plaintiff to another prison under his jurisdiction that house level-4 inmates due to family and friends of named defendants working at SCF fired from ODRC Clo Vista Howard, Clo Andrew Fultz, Clo Clinton Hill and Nathan A. Harris.

(7) #

Compensatory damages in the amount of \$ 25,000<sup>00</sup> against each defendant, jointly and severally.

(8) #

Punitive damages in the amount of 75,000<sup>00</sup> against each defendant.

(9) #

A jury trial on all issues triable by jury.

(10)

Plaintiff's cost in this suit.

(11)

Any additional relief this court deems just proper, and equitable.

Date:

Respectfully Submitted

By: Terry Tyrone Pullen Jr. # 686-539

Terry Tyrone Pullen Jr. # 686-539

Pro-Se

SCF - J4 cell # 36

P.O. Box 45699

Louisville, Ohio 45699

Verification

I have read the foregoing complaint and hereby verify  
that the matters alleged therein are true, except as to  
matters alleged on information and belief, and as to  
those, I believe them to be true. I certify under  
penalty of perjury that the foregoing is true

And correct.

Executed at Lucasville, Ohio on

Signature: Mr. Tracy Lyne Philbrick. #Alego-539